IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§		
Valiuddin Ali, et al.	§	Confirmation No.	1614
	§		
Serial No.: 10/780,398	§	Group Art Unit:	2437
	§		
Filed: February 17, 2004	§	Examiner:	Williams, Jeffery L.
	§		
For: COMPUTER SECURITY SYSTEM	§	Atty. Docket:	200314072-1
AND METHOD	§		HPQB:0172

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BRIEF IN REPLY TO EXAMINER'S
ANSWER DATED DECEMBER 11, 2009

This Reply Brief is being filed in response to the Examiner's Answer dated December 11, 2009. As set forth below, the Appellants respectfully reiterate their request for the Board to review and reverse the Examiner's two grounds of rejection. In the Final Office Action, the Examiner rejected independent claims 1, 14, 19, 31, and 40. Claim 14 was rejected as being directed to non-statutory subject matter under 35 U.S.C. § 101. Claims 1, 14, 19, 31, and 40 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 1,111,495 to Thompson (hereinafter "Thompson").

Claim 14 is directed to statutory subject matter

The Examiner asserts that claim 14 is not patent-eligible subject matter because claim 14 recites means that the Examiner asserts are software per se. *See* Examiner's Answer, p. 11. However, the Examiner continues to overlook the computer system comprising the means of claim 14. As the Examiner correctly notes, the security module

may be one embodiment of the "means for controlling access to a secure computer resource," as recited in claim 14. However, as shown in Fig. 1, the security module is comprised within a computer system. *See* Application, Fig. 1. Specifically, the security module is comprised within a client that comprises a processor, a memory, an input/output controller, a storage device, and a network interface. *See id.*, p. 3, ll. 7-13.

The Appellants assert that the computer system recited in claim 14 is a machine, which is patent-eligible subject matter. *See* M.P.E.P. § 2106. Further, the computer system does not wholly embrace a judicially recognized exception. More specifically, the means recited in claim 14 are not an abstract idea, a law of nature, or a natural phenomenon. *See id.* Accordingly, claim 14 is directed to patent-eligible subject matter under 35 U.S.C. § 101.

Claims 1, 14, 19, 31, and 40 are patentable over Thompson

Claims 1, 14, 19, 31, and 40 are patentable over Thompson because Thompson does not disclose all of the limitations of claims 1, 14, 19, 31, and 40. Claim 1 recites controlling "access to a secure computer resource… based on verification of a security credential." Further, the user is enabled "to recover the security credential based on a response… associated with the verification data." As such, claim 1 recites 3 pieces of information: a security credential, a response, and verification data. Claims 14, 19, 31, and 40 recite similar limitations.

Thompson does not disclose the security credential, the response, and the verification data recited by the present claims. Rather, a section cited to by the Examiner describes a password modification process. *See* Examiner's Answer, pp. 7, 16. In the password modification, a security card is connected to an I/O port. *See* Thompson, para. [0023]. The CPU retrieves a password from the security card, and compares the retrieved password against a locally stored password. *See id.* If there is a match, the CPU prompts

the user for a new password. *See id.* The new password is then encrypted. *See id.* The section discloses a password, a new password, and an encryption key.

The Examiner cites to the password as being a security credential. *See* Examiner's Answer, pp. 6-7. However, neither the new password nor the encryption key is the response recited in the claims. Additionally, neither the new password nor the encryption key is the verification data recited in the claims.

The response recited in the claims is a response associated with the verification data. Claim 1 recites "a response... associated with the verification data." Claim 14 recites, "based on a response[,]... accessing verification data." Claim 31 recites "a response to the verification data." Claims 19 and 40 recite similar limitations. Neither the encryption key nor the new password is the response associated with verification data recited in the claims. The encryption key (e.g. 302) is not a response at all, but a stored value used to encrypt the new password. *See* Thompson, para. [0011], [0017], [0023], Fig. 3.

The encryption key is not the verification data recited in the claims. The verification data may be challenge phrases or queries and their acceptable responses. *See* Application, p. 5, ll. 9-18. Further, the user may define queries and acceptable responses, and select queries to respond. *See id.*, p. 6, ll. 2-8. Clearly, an encryption key is not a challenge phrase or query. The new password is also clearly not a challenge phrase and acceptable response. Accordingly, neither the encryption key nor the new password are the verification data recited in the claims.

The new password is also not a response associated with the verification data recited in the present claims. As described, Thompson does not disclose verification data. As such, the new password cannot be associated with verification data recited in

the present claims. Accordingly, the new password is not the response recited in the present claims.

Thus, Thompson does not anticipate the present claims because Thompson does not disclose the security credential, the response, and the verification data recited in claims 1, 14, 19, 31, and 40. Accordingly, the present claims are patentable over Thompson under 35 U.S.C. § 102(b).

Conclusion

The Appellants respectfully submit that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: February 8, 2010

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